

SOUTHWEST CLEAN AIR AGENCY

Board of Directors Meeting
April 1, 2021 at 3:00 PM
Southwest Clean Air Agency
11815 NE 99th St. Suite 1294
Vancouver, Washington

This meeting will be held by video conference using Zoom:

<https://us02web.zoom.us/j/81677716119>

Meeting ID: 816 7771 6119

Or call in by phone (669) 900-9128

AGENDA

- I. Call to Order
SWCAA Vice Chair Ryan Smith
- II. Roll Call/Determination of Quorum
SWCAA Vice Chair Ryan Smith
- III. Board of Directors Minutes
Board of Directors Minutes - March Meeting
- IV. Changes to the Agenda
SWCAA Chair Ryan Smith
- V. Consent Agenda
 - A. Approval of Vouchers
 - B. Financial Report
 - C. Monthly Activity Report
- V. Info Items & Public Comment
Info Item - Summary of Proposed Revisions to SWCAA 400 Rules
- VII. Public Hearing
None
- VIII. Unfinished Business/New Business
 - A. Decision on Cost-of-Living Wage Adjustments for Fiscal Year 2021/2022**

Issue - A decision on SWCAA's employee cost of living wage adjustments is one of the early budget decisions that must be made prior to submitting the proposed Fiscal Year 2021/2022 Budget for Board approval.

Summary - The proposed Fiscal Year 2021/2022 Budget will be presented to the Board of Directors for approval at the June Board meeting. SWCAA does not utilize an automatic step pay increase system as is used by many government agencies. Instead, salaries are increased annually through a cost-of-living wage adjustment and merit pool adjustment for eligible staff.

SWCAA's Board, with some exceptions, has typically approved a cost-of-living wage adjustment equal to the Consumer Price Index (CPI) for the Portland/Vancouver Region and more recently the Western Region. Attachment A shows a history of SWCAA salary increases. The 2020 WR CPI is 1.3 percent.

SWCAA's Board may want to look at the COLA and merit pool increases collectively rather than individually to determine overall employee salary adjustments and may choose to combine agenda items A and B.

Attachment B provides data for comparison between total salary increases (cost of living increases plus step increases) in other jurisdictions served by SWCAA along with different options for SWCAA salary increases. This information is being provided to inform the Board's decision regarding combined COLA and merits pool increases for comparison purposes since SWCAA does not utilize a step system.

B. Review of Merit Pool for Fiscal Year 2021/2022

Issue - Whether to approve funding of merit salary increases for fiscal year 2021/2022.

Summary – In May of 2020 the Board tentatively approved a 1.5% Merit Pool with the opportunity to adjust or reconsider the approval at this Board meeting. Merit Pool funds would be allocated based on annual performance evaluations and go into effect on July 1, 2021.

Attachment B provides data for comparison between total salary increases (cost of living increases plus step increases) in other jurisdictions along with different options for SWCAA salary increases and cost implications. This information is being provided to inform the Board's decision regarding combined COLA and merit pool increases.

C. Tentatively Set a Merit Pool for Fiscal Year 2021/2022

Issue - Whether to tentatively approve and announce funding of merit salary increases for fiscal year 2021/2022.

Summary – SWCAA's longstanding practice has been to use a merit system for salary increases along with CPI adjustments instead of using a step system for raises. SWCAA's policy is to announce the potential Merit Pool amount to staff in advance of the award.

Recommendation – Tentatively approve a merit pool for salary increases to be

allocated to staff based on annual performance evaluations in 2021. The funds are to be awarded at the end of next fiscal year (i.e., July 1, 2022) and this decision will be reviewed by the Board prior to adoption of the 2021/2022 budget.

D. Performance Evaluation for Executive Director

The Board may go into Executive Session for discussion related to the performance evaluation in accordance with RCW 42.30.10(1)(g). Any salary adjustment or other decision will be made during the open public meeting following the Executive Session.

IX. Control Officer Report

A. International Technology Company Reports COVID-19 Lockdowns Resulted in Improved Air Quality in 84 Percent of Countries Worldwide (March 16, 2021) –

IQAir released the 2020 World Air Quality Report, providing an analysis of PM2.5 data reported by ground-level air monitoring stations located in 106 countries around the world and aggregated through the company’s air quality information platform. The purpose of the report, says IQAir, is “to highlight a wide variety of air quality challenges as well as underscore the threat of human-caused air pollution. Raising air pollution awareness empowers people to take action to improve air quality and reduce their personal exposure.” Based on the data presented, IQAir highlights the impact of COVID-related lockdowns and behavioral changes on global PM2.5 levels, including that in 2020, 84 percent of all monitored countries observed improvements in air quality “largely due to global measures to slow the spread of COVID-19.” Examples included Paris, which experienced a 17-percent decrease in PM2.5 from 2019 levels. IQAir also reports that, overall, average particulate levels in the U.S. increased by 6.7 percent in 2020, notwithstanding measures to limit the spread of COVID; record-breaking wildfires in the West “caused U.S. cities to comprise 77 of the world’s 100 most polluted cities in September 2020 (by monthly PM2.5 average). For further information: <https://www.iqair.com/us/world-air-quality-report>

B. \$1.9 Trillion American Rescue Plan Act Passes; Includes Funding for Clean Air Agencies (March 10, 2021) –

Congress has passed the American Rescue Plan Act of 2021 (H.R. 1319) which was signed into law by President Joseph Biden. The \$1.9 trillion appropriates Fiscal Year 2021 funding to address both the pandemic and its economic ramifications. Among other areas of the Act that provide funding to state and local governments and to special districts, Section 6002 of the Act includes provisions that directly affect the funding of state and local clean air agencies in the current federal, including appropriating \$100 million to EPA “to address health outcome disparities from pollution and the COVID–19 pandemic”. This appropriation includes \$50 million to be used “for grants and activities authorized under subsections (a) through (c) of section 103 of the Clean Air Act... and grants and activities authorized under section 105 of such Act”. No more than 5% of that funding can be used for administrative purposes by EPA. It also includes an additional \$50 million “that shall be for grants, contracts, and other agency activities that identify and address disproportionate environmental or public health harms and risks in minority populations or low-income populations” under several authorities including CERCLA, the Safe Drinking Water Act, and “section 103(b) of the Clean Air Act”. No more than 2% of that funding can be used for administrative purposes. For

further information: <https://www.congress.gov/bill/117th-congress/house-bill/1319>

C. Researchers Conclude PM2.5 from Wildfire Smoke May Be More Harmful than PM2.5 from Other Sources (March 5, 2021) – Nature Communications published a study in which researchers at the University of California San Diego found that wildfire particulate matter may be more toxic than equal doses of ambient PM2.5 and noted that air quality standards do not assume any difference in the toxicity of PM2.5 across different emission sources. Using 14 years of hospital admissions data (focused on Southern California), and a sequence of statistical approaches and exposure definitions, the researchers isolated PM2.5 specific to wildfires finding “increases in respiratory hospitalizations ranging from 1.3 to up to 10% with a 10 µg m-3 increase in wildfire-specific PM2.5, compared 0.67 to 1.3% associated with non-wildfire PM2.5.” The researchers state, “Our conclusions point to the need for air quality policies to consider the variability in PM2.5 impacts on human health according to the sources of emissions.” For further information: <https://www.nature.com/articles/s41467-021-21708-0>

D. Twelve States Sue Biden Administration Over Greenhouse Gas “Social Cost” Calculation (March 8, 2021) – A coalition of twelve states led by Missouri filed a lawsuit in federal court seeking to bar the Biden Administration from calculating a “social cost” of greenhouse gases for use in regulatory decision-making. “Assigning such values is a quintessentially legislative action that falls within Congress’s exclusive authority,” the states assert. They argue in their complaint that Section 5 of President Biden’s Executive Order 13990, which establishes a working group charged with publishing estimates of the monetized damages associated with incremental increases in greenhouse gas emissions, is unconstitutional because it violates separation of powers principles. The plaintiffs ask the court to declare that the executive order violates Article I, Section 1 of the Constitution as well as the Administrative Procedure Act, and to declare any values determined by the working group to be “arbitrary, capricious, unreasonable, and contrary to law.” They also ask for injunctive relief barring the Biden Administration and the working group from implementing the executive order. “Setting the ‘social cost’ of greenhouse gases is an inherently speculative, policy-laden, and indeterminate task, which involves attempting to predict such unknowable contingencies as future human migrations, international conflicts, and global catastrophes for hundreds of years into the future,” the plaintiffs assert. The lawsuit was filed in the U.S. District Court for the Eastern District of Missouri. In addition to Missouri, the plaintiff states include Arkansas, Arizona, Indiana, Kansas, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee and Utah. For further information: http://www.4cleanair.org/sites/default/files/Documents/Missouri_v_Biden-EDMo_Complaint_3-8-21.pdf

E. Researchers Conclude Exposure of Elderly Population to Air Pollution at Lower Levels Poses Significant Health Risks (February 22, 2021) – After studying 63 million enrollees in Medicare, researchers concluded that “on an additive scale, air pollution components pose a risk to human health, particularly 6 among the very elderly population in the United States. The increase in the probability of hospital admissions with cardiovascular and respiratory outcomes seems to be most pronounced at lower exposure concentrations for all pollutants. Given that more than half of the U.S. population is exposed to such levels, this issue should be of great concern to clinicians and policymakers alike.” The researchers, all associated with Harvard’s T.H. Chan School of Public Health,

studied – among the U.S. Medicare population – the relationship between long-term exposure to fine particulate matter, oxides of nitrogen and tropospheric ozone, and hospital admissions for four cardiovascular and respiratory consequences (specifically, heart attack, ischemic stroke, atrial fibrillation and flutter and pneumonia). They used a “doubly robust” method for their statistical analysis, including both inverse probability weighting and adjustment of the outcome model to account for “confounding” (interference by a third variable). In addition, the researchers examined this relationship at lower pollutant concentrations, consistent with typical levels of exposure in the U.S. and among subgroups that are potentially susceptible. Long-term exposure to all three pollutants, especially at lower levels, was found to be associated with an increase in all of the medical outcomes studied. For further information:

<https://www.ahajournals.org/doi/abs/10.1161/CIRCULATIONAHA.120.050252>

X. Board Policy Discussion Issues

As Necessary

XI. Issues for Upcoming Meetings

A. Budget – May

B. SWCAA 400 rules proposal - June

XII. Adjourn

Notes:

(1) Served by C-TRAN Routes: 7, 72 and 76.

(2) Accommodation of the needs for disabled persons can be made upon request. For more information, please call (360) 574-3058 extension 110.

Attachment A

History of SWCAA Salary Increases Compared to CPI

Year	CPI-U*		Approved Salary Increases		
	West Region	Portland-Salem			
	Calculated	Calculated	Inflation	Merit	Total
2021	1.3%	-			
2020	2.8%	-	0%	1.5%	1.5%
2019	3.3%	-	3.3%	1.5%	4.8%
2018	2.8%	4.2%	2.0%	1.5%	3.5%
2017	2.0%	2.1%	2.1%	1.5%	3.6%
2016	1.5%	1.2%	1.2%	1.5%	2.7%
2015	1.8%	2.5%	2.3%	1.5%	3.8%
2014	1.6%	2.5%	1.5%	1.0%	2.5%
2013	1.9%	2.3%	2.3%	1.0%	3.3%
2012	2.9%	2.8%	2.0%	1.0%	3.0%
2011	0.9%	1.3%	0.0%	1.0%	1.0%
2010	0.4%	0.1%	0.0%	1.0%	1.0%
2009	3.1%	3.3%	0.0%	1.5%	1.5%
2008	3.2%	3.7%	3.7%	1.5%	5.2%
2007	3.4%	2.6%	2.6%	1.5%	4.1%
2006	3.1%	2.6%	2.6%	0.0%	2.6%
2005	2.3%	2.6%	2.6%	0.9%	3.5%
2004	2.1%	1.4%	1.4%	2.1%	3.5%

Note: *CPI is calculated based on the prior year (Jan-Dec) published CPI.

US Bureau of Labor Statistics discontinued reporting the Portland-Salem/Vancouver CPI in 2018.

ATTACHMENT B

2021 Employee Raises by Jurisdiction Represented by SWCAA's Board of Directors*

Jurisdiction	Number of Steps	% Increase/Step**	Annualized % Increase	2020 COLA***	Total % Salary Increase
A	11 Steps, 10 yrs	2.5	2.5	2.2	4.7
B	13 Steps, 12 yrs	2.5	2.5	2.5	5.0
C	5 Steps, 3.5 yrs	1.4	2.1	2	4.1
D	6 Steps, 12 yrs	5.4	2.7	NA*	NA*
E	3 steps, 3 yrs	5.3	5.3	2	7.3
F	8 steps, 7 yrs	4	4	0.8	4.8
G	8 steps, 7 yrs	3.3	3.3	2	5.3
H	6 Steps, 12 yrs	2.5	1.3	1.9	3.2
I	6 steps, 5 yrs	5.3	5.3	0	5.3
J	7 Steps, 6 yrs	3.4	3.4	0	5.0
Average			3.2	1.5	4.7

Notes:

*Raises for employees who are not at top of pay scale. Employees at top of pay scale are limited to COLA increases. One County COLA is not yet available.

**Percent increase per step approximated based on review of pay scales. Some jurisdiction steps vary by employee class and union contract.

***Some COLAs vary by bargaining unit. In those cases, the most representative category was selected.

Options for SWCAA Salary Increase

SWCAA provides merit increases instead of steps			Merit	COLA	Total
Option 1	Merit Pool	NA	0.0	0.0	0.0
Option 2	Merit Pool	NA	1.5	1.3	2.8
Option 3	Merit Pool	NA	2.0	1.3	3.3
Option 4	Merit Pool	NA	3.2	1.5	4.7

**Southwest Clean Air Agency
Handout - Proposed Rule Revision Summary**

**Proposed Changes to SWCAA 400
"General Regulations for Air Pollution Sources"**

April 1, 2021

Summary

Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq.) and the Washington Clean Air Act (RCW 70.94), the policy of SWCAA is to prevent violations of federal, state and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations, and to effectuate the requirements and purpose of Chapter 70A.15 Revised Code of Washington (RCW). The General Regulations for Air Pollution Sources (SWCAA 400) establish rules to control and regulate emission of air contaminants from sources within the jurisdiction of the Agency.

The Agency is proposing the following changes to SWCAA 400:

- Administrative changes to revise 70.94 RCW references to 70A.15 RCW.
The State of Washington recently recodified 70.94 RCW and other environmental laws into Chapter 70A.15. Rule references to 70.94 RCW have been revised in response.
- Update adoption by reference date of federal rules.
Federal rules are adopted as in effect on a specific date. The adoption date must be updated periodically to incorporate new rules and revisions. (400-075, 400-115, Appendix C)
- Update definitions.
Diesel, Distillate Oil, New Source, VOC. (400-030)
- Revise noticing and registration requirements for portable sources from other jurisdictions.
Clarification of when to notice and register affected emission units. (400-036)
- Presumptive withdrawal of permit applications.
Revise application process to allow presumptive withdrawal of permit applications when applicants fail to respond to Agency information requests. (SWCAA 400-046 and 400-110)
- Adoption of federal plan for incinerators.
Adoption by reference of federal plan in 40 CFR 62 Subparts III and LLL. Needed to issue Title V permit for City of Vancouver WWTP. (400-070)
- Prohibition of cyclonic burn barrels.
Cyclonic burn barrels prohibited effective January 1, 2022. (400-070)
- Title V fee review.
Language added to clarify the process for a source or individual to review the basis for determining applicable program fees. (400-103)

- Gasoline state emission inventory submittal deadline.
Establishment of a separate deadline for gasoline stations. (400-105)
- Periodic emission testing.
Clarification that Agency required emission testing may be periodic in nature. (400-106)
- Removal of startup/shutdown provisions from unavoidable excess emission definition.
Revision of unavoidable excess emission provisions to remove routine startup/shutdown, consistent with EPA/court mandate. (400-107)
- Alternative opacity standard for boiler startup/shutdown and refractory curing.
Revise current rules to incorporate new state approved alternative standards. (SWCAA 400-040 and 400-070)
- Permit extension provisions.
Addition of specific procedure for request/processing of permit extension requests. New procedure requires formal application and applicable fees. (400-109, 400-110)

Note: Consolidated fee schedule will also be amended to include a new flat fee for minor administrative permit modifications.

- Permit issuance.
Addition of language clarifying that permits may be issued by the Agency, Control Officer or a designated representative.
- Permit supersession.
Add language addressing the supersession of existing permits by current permitting actions.
- Equivalent emission control requirement for replacement/alteration of control technology.
Addition of a provision to require the use/installation of emission control technology equivalent to existing emission control technology. Intended to prevent backsliding. (400-114)
- Credible evidence.
New rule section to directly address the use of credible evidence in determining if a violation has occurred. Credible evidence already cited in related programs such as NSPS, NESHAPS and Title V. (400-235)
- Duty to provide information.
New rule section to directly address the Agency's authority to request information for a source pertaining to air contaminant emissions. (400-265)
- Minor editorial retitling and renumbering.

Public Involvement

SWCAA will provide a public comment period for the proposed changes to SWCAA 400. In addition to filing and publishing notice with the state code reviser, SWCAA intends to post the proposed rulemaking on its website and send emails or postcards to all registered facilities.

Public Hearing

SWCAA will hold a public hearing for the proposed changes to SWCAA 400. Due to Covid precautions, the public hearing is expected to be held virtually rather than in-person.